

REMARKS

Claims 1-32 are pending in the present application. Claims 1, 13 and 25 have been amended and are independent. Reconsideration of this application, in view of the following remarks, is respectfully requested.

Reasons for Entry of Amendments

It is respectfully requested that the present amendments be entered into the Official File, in view of the fact that the amendments to the claims place the present application into condition for allowance. If the Examiner does not agree that the amendments place the application into condition for allowance, it is requested that the Examiner enter the amendments for the purposes of Appeal.

In addition, it is Applicants position that rejection in view of the Reetz reference is improper and should be withdrawn. Applicants arguments against the Examiner's rejection will be presented below. However, in an effort to expedite the prosecution of this application, Applicants have amended the independent claims to clearly differentiate the present invention over Reetz.

Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1-5, 7-9, 12-17, 19-21 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Reetz, U.S. Patent no. 4,957,186. Claims 6, 10, 11, 18, 22, 23 and 25-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Reetz. These rejections are respectfully traversed.

The present invention is directed to a joint structure, a building and a method of assembling or reinforcing a building.

Independent claims 1 and 13 are directed to the joint structure and the building, respectively. Each of independent claims 1 and 13 recites a combination of elements including “a plurality of splice plates connected to said gusset plate, each of said plurality of splice plates being constructed from section steel having a cross-section perpendicular to a longitudinal axis thereof that is L-shaped, at least one of said plurality of splice plates having a face in direct contact with the first opposed face of said gusset plate and at least another of said plurality of splice plates having a face in direct contact with the second opposed face of said gusset plate.”

Independent claim 25 is directed to the method of assembling or reinforcing a building. Independent claim 25 recites a combination of steps including “providing a plurality of splice plates, said plurality of splice plates having a cross-section perpendicular to a longitudinal axis thereof that is L-shaped” and “connecting a first end of each of said plurality of splice plates to said gusset plate such that at least one of said plurality of splice plates has a face in direct contact with the first opposed face of the gusset plate and at least another of said plurality of splice plates has a face in direct contact with the second opposed face of said gusset plate.”

Applicants respectfully submit that the references relied on by the Examiner fail to teach or suggest the present invention as recited in independent claims 1, 13 and 25.

Referring to the Reetz reference, the Examiner has considered the web 34 of Reetz to be the gusset plate of the presently claimed invention and the arm mechanisms 52 to be the splice plates of the presently claimed invention. Applicants submit that the Reetz device is quite different from the present invention. Specifically, the element 52 of Reetz does not have an “L-shaped” cross-section as in the presently claimed invention. Specifically, referring to Figure 2 of Reetz, the element 52 would have a rectangular cross-section at every point along a length thereof. In view of this, Reetz fails to anticipate independent claims 1, 13 and 25 of the present invention.

In the Examiner’s Office Action, , the Examiner has repeated the rejection of the claims in view of the Reetz reference. Referring to page 7 of the Examiner’s Office Action, the

Examiner has provided an illustration of the element 52 of Reetz, which indicates the location of the cross-sections that the Examiner is considering to be the “non-rectangular” cross section of the splice plates of the presently claimed invention.¹ The Examiner also states the following:

The examiner notes that the cross-sections in this instance are not rectangular. Rectangular is by definition four sided, with right angles formed at the intersection of each side. This is certainly not the case with these selected cross sections. The examiner notes that the object is slightly tilted within the Figure, however the inherent shape of the plate is not rectangular and thus would lend to non-rectangular cross-sectional lengths. The examiner further notes that if the thickness is meant by the applicant, the claim language should be re-worded to address that limitation. As the claim language stands, the limitation can be read broader than this intended limitation. (emphasis added).

Applicants do not understand what the Examiner’s position is. The Examiner has identified three cross-sections in the illustration on page 7 of the Office Action. The bottom two cross-sections would clearly be rectangular, because they are taken through the element 52 at a location where there is no through hole formed. Such cross-sections would have four sides with right angles formed at the intersections of each side, in the same manner that the Examiner has defined “rectangular.” The top cross-section in the illustration on page 7 of the Office Action is taken through a location where a through hole is formed. In such case, the cross-section would also be rectangular; however, there would be a rectangular shaped portion in the middle where the hole is located that would not include material therein.

In other words, the element 52 of Reetz has first and second opposed and parallel faces (the large surface seen in the illustration on page 7 of the Office Action and the opposing surface) and third and fourth opposed and parallel faces (the left edge surface seen in the illustration on page 7 of the Office Action). In addition, there are right angles between the first

¹ It is noted that the present claims recite that the plurality of splice plates are “L-shaped,” as opposed to “non-rectangular”; however, it is Applicants position that the splice plates of Reetz are “rectangular” and therefore Reetz fails to disclose “non-rectangular” or “L-shaped” splice plates as in the independent claims of the present invention.

and third and the first and fourth faces.² The element 52 is a flat plate that is cut to the shape seen in Figure 1 of Reetz. If a cross-section is taken through a flat plate, the cross-section is always rectangular. Since the cross-section of the element 52 of Reetz is rectangular, Reetz fails to disclose either a “non-rectangular” splice plate or an “L-shaped” splice plate as in the independent claims of the present invention.

With regard to dependent claims 2-12, 14-24 and 26-32, Applicants respectfully submit that these claims are allowable due their respective dependence upon independent claims 1, 13 and 25, as well as due to the additional recitations in these claims.

In view of the above amendments and remarks, Applicants respectfully submit that claims 1-32 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner’s rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

² This can be understood from a review of Figure 1 of the Reetz. None of the surfaces of the edges (third and fourth faces) are visible in Figure 1, and therefore, these edges are perpendicular to the surface of the page in Figure 1 (and perpendicular to the first and second faces).

Application No. 10/829,275
Reply Under 37 C.F.R. § 1.16 dated March 25, 2009
Reply to Office Action dated November 25, 2008

Docket No.: 1551-0155PUS1

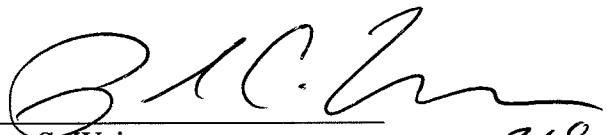
Page 12 of 12

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: **March 25, 2009**

Respectfully submitted,

By 
Marc S. Weiner
Registration No.: 32,181 #43,368
for BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant